

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

**1776 E. Washington Street
Urbana, IL 61801**

DATE:	August 12, 2021	PLACE:	Shields-Carter Meeting Room
			1776 East Washington Street
TIME:	6:30 p.m.		Urbana, IL 61802

MEMBERS PRESENT: Ryan Elwell, Tom Anderson, Lee Roberts, Larry Wood

MEMBERS ABSENT: Jim Randol, Marilyn Lee

STAFF PRESENT: Susan Burgstrom, Stephanie Berry, John Hall

OTHERS PRESENT: James Nonman, Christopher Boley, Robert Bales, Ronald Scudder, Jesse Pedigo

1. Call to Order

The meeting was called to order at 6:30 p.m.

2. Roll Call and Declaration of Quorum

The roll was called, and a quorum declared present.

Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign the Witness Register.

3. Correspondence - None

4. Approval of Minutes - June 17, 2021

Mr. Elwell asked if there was any discussion for the June 17, 2021 minutes.

Mr. Wood moved, seconded by Mr. Roberts, to approve the minutes for June 17, 2021. The motion carried by voice vote.

5. Continued Public Hearings - None

6. New Public Hearings

Case 015-V-21

Petitioners: James Nonman

Request: Authorize a variance for a 3.9-acre lot in lieu of the maximum allowed 3 acres in area for a lot with soils that are best prime farmland in the AG-1 Agriculture Zoning District, per Section 5.3 of the Champaign County Zoning Ordinance.

Location: An 80-acre tract in the North Half of the Southwest Quarter of Section 24, Township 17 North, Range 10 East of the Third Principal Meridian in Raymond Township,

1 commonly known as the former farmstead with an address of 238 CR 2300E,
2 Broadlands.
3

4 Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign
5 the witness register for that public hearing. He reminded the audience that when they sign the witness
6 register, they are signing an oath.
7

8 Mr. Elwell informed the audience that this Case is an Administrative Case, and as such, the County allows
9 anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask for a
10 show of hands or a verbal indication from those who would like to cross-examine, and each person will
11 be called upon. He said that those who desire to cross-examine will be asked to clearly state their name
12 before asking any questions. He noted that no new testimony is to be given during the cross-examination.
13 He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are exempt from cross-
14 examination. He asked if the petitioner would like to outline the nature of their request prior to introducing
15 evidence.
16

17 James Nonman stated he lives at 402 East Main Street in Sidney, Illinois. He said that this is a farmstead
18 that has been a part of this farmable field since the early 1900s. He said that it was his grandfather's
19 homestead, then it went to his father, and then it went to him. He said that during this course, their family
20 has gone different directions; his sister is living in Urbana and he is living in Sidney. He said that they
21 have no use for that lot, so they have decided to sell it. He said that it is not taking any farmland out of
22 production, because it is the original farmstead that has always been there. He said that what they are
23 requesting for on the survey was to square the property off, and they didn't take any farmland out of
24 production. He said that the original piece of property had been used for pasture or whatever, and with the
25 property having a large machine shed, it took them over the allowed three acre maximum. He said that is
26 basically where they are at.
27

28 Mr. Elwell thanked him and asked if there were any questions from the Board.
29

30 Mr. Wood said that it doesn't have a house on it now, just the machine shed.
31

32 Mr. Nonman said no, the old original farmhouse was torn down.
33

34 Mr. Wood said okay.
35

36 Mr. Nonman said that it is a completely clear lot for building.
37

38 Mr. Wood said that it looks like when they squared that off, there is a part of it on the south side that was
39 not tilled before that is going to be returned to farm ground.
40

41 Mr. Nonman said that it is in the plans to be returned to farm ground, but it has not been cleaned up yet.
42 He said that there used to be a crib that sat out there that has been torn down, and it still needs to be cleaned
43 up. He said that they just kind of divided off north of where that crib used to be to get this property sold
44 off. He said that he has talked to the Farm Service Agency about filing the papers to return it to farmland
45 if that is what needs to be done, but it has just been pasture.
46

47 Mr. Anderson said that perhaps he had already answered the question, but there is a lot of debris on that
48 acre or two with stumps.
49

1 Mr. Nonman asked him if he was talking about the south side.

2

3 Mr. Anderson said the concrete, yes.

4

5 Mr. Nonman said that there was a concrete foundation for a crib there. He said that the crib was torn down
6 two or three years ago, and the guy didn't come back and clean up his mess. He said that has been their
7 area that they use for burning and getting all the other stuff off the farmstead lot. He said that he is going
8 to clean it up this winter and get all that concrete and everything cleared off of that.

9

10 Mr. Anderson said he is going to clean it off.

11

12 Mr. Nonman said yes, he'll do all that.

13

14 Mr. Elwell asked if there were any other questions from the Board or P & Z Staff. Seeing none, he asked
15 how the Board would like to proceed.

16

17 **Mr. Wood moved, seconded by Mr. Roberts, to adopt the Preliminary Draft, Documents of Record,
18 and move to the Findings of Fact for Case 015-V-21. The motion carried by voice vote.**

19

20 Mr. Elwell said that he would be reading the Findings of Fact for Case 015-V-21 from Attachment F, page
21 8 of 9, in the Preliminary Draft, as follows:

22

23 **FINDINGS OF FACT FOR CASE 015-V-21**

24 From the documents of record and the testimony and exhibits received at the public hearing for zoning
25 case **015-V-21** held on **August 12, 2021**, the Zoning Board of Appeals of Champaign County finds that:

26

- 27 **1. Special conditions and circumstances {DO / DO NOT} exist which are peculiar to the land**
- 28 **or structure involved, which are not applicable to other similarly situated land and**
- 29 **structures elsewhere in the same district because:**

30

31 Mr. Wood said the special conditions and circumstances DO exist which are peculiar to the land or
32 structure involved, which are not applicable to other similarly situated land and structures elsewhere in
33 the same district because: it appears that a natural tree line sets a natural boundary for the proposed lot,
34 because it was the original farmstead.

35

36 Mr. Nonman said the north line is the original farm lot; it has been there for ages.

37

38 Mr. Wood continued stating that turning the lot into a rectangular residential site creates more tillable
39 acreage, and there will be some additional acreage on the south side that will eventually be returned back
40 to farmland.

41

- 42 **2. Practical difficulties or hardships created by carrying out the strict letter of the regulations**
- 43 **sought to be varied {WILL / WILL NOT} prevent reasonable or otherwise permitted use of**
- 44 **the land or structure or construction because:**

45

46 Mr. Wood said the practical difficulties or hardships created by carrying out the strict letter of the
47 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or structure
48 or construction because: complying with the maximum lot size of three acres would require more significant

1 changes to the ground, removal of trees and stuff to allow for more tillage on the farm ground and it
2 wouldn't make any sense to do that.

3

4 **3. The special conditions, circumstances, hardships, or practical difficulties {DO / DO NOT}
5 result from actions of the applicant because:**

6

7 Mr. Wood said the special conditions, circumstances, hardships, or practical difficulties DO NOT result
8 from actions of the applicant because: as far as he can tell, the farmstead has been there for many years
9 and it has not really changed.

10

11 **4. The requested variance {IS / IS NOT} in harmony with the general purpose and intent of
12 the Ordinance because:**

13

14 Mr. Wood said the requested variance IS in harmony with the general purpose and intent of the Ordinance
15 because: it minimizes the change to the ground as it is.

16

17 **5. The requested variance {WILL / WILL NOT} be injurious to the neighborhood or otherwise
18 detrimental to the public health, safety, or welfare because:**

19

20 Mr. Wood said the requested variance WILL NOT be injurious to the neighborhood or otherwise
21 detrimental to the public health, safety, or welfare because: all relevant jurisdictions have been notified
22 and no comments have been received back from them.

23

24 **6. The requested variance {IS / IS NOT} the minimum variation that will make possible the
25 reasonable use of the land/structure because:**

26

27 Mr. Wood said the requested variance IS the minimum variation that will make possible the reasonable
28 use of the land/structure.

29

30 **7. NO SPECIAL CONDITIONS ARE HEREBY IMPOSED.**

31

32 Mr. Elwell entertained a motion to adopt the Summary of Evidence, Documents of Record, and the
33 Findings of Fact for Case 015-V-21, as amended.

34

35 **Mr. Anderson moved, seconded by Mr. Roberts, to adopt the Summary of Evidence, Documents of
36 Record, and the Findings of Fact for Case 015-V-21, as amended.**

37

38 Mr. Elwell requested a roll call vote.

39

40 The vote was called as follows:

41

Lee- absent Randol- absent Roberts- yes

42

Anderson- yes Elwell- yes Wood - yes

43

44 **The motion carried.**

45

46 Mr. Elwell informed Mr. Nonman that tonight they do not have a full Board, but they do have a quorum,
47 and they will need to have four affirmative votes to have his case answered in the affirmative. He asked
48 him if would like for them to continue with his case or would he like them to postpone it to another day
49 when there is a full Board.

1 Mr. Nonman asked him what date he is talking, because they were trying to go to closing next Thursday.

2
3 Mr. Elwell said there were affirmative responses on the Findings of Fact, and the Findings of Fact went
4 by really quick, so he would anticipate that if he is wanting to close on this parcel next Thursday, that they
5 should continue with this case. He said that since they don't have a full Board, they need to give him that
6 opportunity.

7
8 Mr. Nonman said okay.

9
10 Mr. Elwell entertained a motion to move to the Final Determination for Case 015-V-21.

11
12 **Mr. Wood moved, seconded by Mr. Roberts, to move to the Final Determination for Case 015-V-**
13 **21.**

14
15 Mr. Elwell requested a roll call vote.

16
17 The vote was called as follows:

18	Lee- absent	Randol- absent	Roberts- yes
19	Anderson- yes	Elwell- yes	Wood - yes

20
21 **The motion carried.**

22
23 Mr. Elwell said that he would be reading the Final Determination for Case 015-V-21 from Attachment F,
24 page 9 of 9, in the Preliminary Draft, as follows:

25
26 **FINAL DETERMINATION FOR CASE 015-V-21**

27 **Mr. Wood moved, seconded by Mr. Roberts, that the Champaign County Zoning Board of Appeals**
28 **finds that, based upon the application, testimony, and other evidence received in this case, that the**
29 **requirements for approval in Section 9.1.9.C HAVE been met, and pursuant to the authority**
30 **granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of**
31 **Appeals of Champaign County determines that:**

32
33 **The Variance requested in Case 015-V-21 is hereby GRANTED to the petitioner, James**
34 **Nonman, to authorize the following:**

35
36 **Authorize a variance for a 3.9-acre lot in lieu of the maximum allowed 3 acres in area for a**
37 **lot with soils that are best prime farmland in the AG-1 Agriculture Zoning District, per**
38 **Section 5.3 of the Champaign County Zoning Ordinance.**

39
40 Mr. Elwell requested a roll call vote.

41
42 The vote was called as follows:

43	Lee- absent	Randol- absent	Roberts- yes
44	Anderson- yes	Elwell- yes	Wood - yes

45
46 **The motion carried.**

47
48 Mr. Elwell informed Mr. Nonman that he received his four votes in the affirmative, congratulations. He
49 said that Staff would be reaching out to him if there is anything further that is needed.

Case 016-V-21

Petitioners: **Ronald Scudder and Jesse Pedigo**

Request: **Authorize a variance for a 6-acre lot in lieu of the maximum allowed 3 acres in area for a lot with soils that are best prime farmland in the AG-1 Agriculture Zoning District, per Section 5.3 of the Champaign County Zoning Ordinance.**

Location: **A 45.48-acre tract in the Northeast Quarter of Section 27, Township 21 North, Range 8 East of the Third Principal Meridian in Condit Township, commonly known as the farmstead with an address of 982 CR 2550N, Champaign.**

Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign the witness register for that public hearing. He reminded the audience that when they sign the witness register, they are signing an oath.

Mr. Elwell informed the audience that this Case is an Administrative Case, and as such, the County allows anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask for a show of hands or a verbal indication from those who would like to cross-examine, and each person will be called upon. He said that those who desire to cross-examine will be asked to clearly state their name before asking any questions. He noted that no new testimony is to be given during the cross-examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are exempt from cross-examination. He asked if the petitioner would like to outline the nature of their request prior to introducing evidence.

Mr. Ronald Scudder stated that he lives at 982 County Road 2550 North in Champaign, Illinois. He said that he is the owner of the present property that is in the petition before the Board. He said that he is in the process of wanting to sell the homestead on the property. He said that he lost his wife two years ago and he is wanting to sort of clear up his mind a little bit, so he is wanting to move off the property and sell the homestead part. He said that this young gentleman here with him tonight is Mr. Jesse Pedigo and he is going to be starting a new life, and he graduated not long ago, so he figured it would be a good opportunity. He said that his parents live across the road from him in the southwest corner of his property, and his sister lives at the very south end of his driveway on a one-acre lot that is there. He said that their family would like to stay within close proximity to each other. He said that he has offered him the opportunity to purchase the homestead with the shed and adjacent property. He said that he has decided to increase the homestead acreage; he thinks the homestead was originally 3.2 acres, and including this extra acreage, that bumped it up to 5.8 acres. He said that squares off the property that is adjacent to his sister and brothers-in-law's one-acre lot. He said that it makes it easier for a potential farmer who is going to maybe at some point in the future own the rest of the farm ground around those properties. He said that he is definitely not going to be building a new home out on the remaining farm ground. He said that at this point he might move out of the county, but he hasn't made up his mind what he is going to do with his life yet. He said that he definitely is not going to live on the farm at this time.

Mr. Elwell asked if there were any questions for the Board.

Mr. Wood asked if the additional acreage was coming from the CRP for pheasants.

Mr. Scudder said that there are 45 acres of what is considered farmable ground out there and they are taking an additional two acres to add to the homestead, so it brings it to the existing tree line that is a wildlife hedge shrub that they put in for the wildlife habitat. He said that is why he squared up the property and it made a lot more sense for Mr. Pedigo to have a squarer property and for any new farmers. He said that he used to own the 160 acres around this property at one time, and he had sold it to his local neighbor

1 and farmer. He said they got to talking about the remaining 45 acres and how squaring up the property
2 made more sense to his neighbor/farmer if he was interested in purchasing the remainder of the property
3 in the future for farm ground.
4

5 Mr. Wood said that when he mentioned the original homestead was 3.2 acres, that didn't include the
6 ground that was for Pheasants Forever.
7

8 Mr. Scudder said that the 2.6 acres is the additional acreage to the original 3.2 acres that was already there,
9 and that is why the proposed acreage is 5.8 acres. He said that if they look at the map from Attachment B,
10 there is a long driveway, and they went 20 feet off the edge of the centerline of the driveway into the field
11 that was a part of the original homestead property. He said that everything else was a part of the pheasants
12 habitat that Mr. Wood is talking about.
13

14 Mr. Wood said that none of that ground in the 5.84 acres was actually farmed.
15

16 Mr. Scudder said yes, it was originally farm ground. He said that then they put it into CRP for wildlife
17 habitat, but it is still considered farm ground and he never decided if he wanted to go back to farming. He
18 said that he had a hobby of training dogs at one time, and it was cheaper for him to stay home and train
19 his dogs on his own property than paying someone to go to their property to do his dog training. He said
20 that when the opportunity came to go into a farm program for the wildlife habitat, that allowed him to do
21 what he needed to do with training his dogs. He said that is why most of the property out there is in the
22 CRP program.
23

24 Mr. Wood said that he put that in the CRP then.
25

26 Mr. Scudder said yes, it is all CRP. He said that the farm ground is still in CRP and that is part of the deal
27 of future purchases, because it has to remain in CRP. He said that there are three different CRP contracts
28 on the 45 acres; one term ends in 2023, one in 2024, and the last one ends in the fall of 2025.
29

30 Mr. Anderson said that this question has nothing to do with the variance that he is asking for, but has he
31 seen any pheasants.
32

33 Mr. Scudder said had he seen any pheasants.
34

35 Mr. Anderson said yes, on the CRP acreage.
36

37 Mr. Scudder said that he has seen a lot of pheasants in the CRP. He said in the wintertime when the crops
38 are out and they get a blanket of snow, the pheasants are out in the CRP feeding. He said that he has seen
39 anywhere from 75 to 80 pheasants at the end of hunting season at any given time. He said that when he
40 originally moved onto the farm in 1978, if he shot four pheasants off that 160 acres, then he had a good
41 year. He said that when the CRP was originally established and they were able to put in ten acres of CRP,
42 he went from four to a dozen pheasants. He said that when he put this 45 acres in, he went by himself, not
43 including the people he would allow to hunt on his property, and he would shoot 25 to 30 birds a year
44 himself; it has been very consistent. He said he will let people come out to hunt on the property when
45 anybody asks, and he always tells everyone that if they want to come out, that they have at least one
46 opportunity to prove to him, and if they treat everything right, then they may come back. He said that he
47 has sent people out there with all kinds of dogs and they have told him that they didn't see any pheasants.
48 He said that he will go out there and shoot two pheasants, and then he will ask them how they missed
49 those two. He said that having that type of cover is a magnet and attracts extra pheasants, because a

1 majority of the farm ground around his property is tilled farm ground in the wintertime. He said when he
2 does maintenance on the CRP during August, he will do a rough brood count and he will expect to see
3 35 to 40 young pheasants easily.

4
5 M. Anderson asked him if he had noticed a population decrease throughout the years.

6
7 Mr. Scudder said that this ground is very mature because it has mainly been in CRP since 1994 or 1996.
8 He said that he hadn't taken out the CRP over the years when he had sold the other property off. He said
9 as the grasslands mature, if they don't do a certain amount of maintenance, then they would see a decline
10 in the population. He said that if they left the grass and just did the normal maintenance at six years, they
11 would start to see around a 10 to 15 percent decline. He said it is hard to get an exact number, because
12 wildlife habitat is affected by the weather conditions, so if they had a wet spring, then they would have
13 low pheasant survivability, which includes the nesting. He said that if they had a really bad winter, then
14 they would have survivability problems in the wintertime. He said that he put a food plot out for the
15 pheasants to eat off of versus letting them pick off naturally, and he eventually went to a natural habitat,
16 where the pheasants are living off of the existing corn crop residue and some of the plants that he planted
17 there to produce their own seeds for the pheasants to eat on. He said that he has a lot of partridge pea,
18 which is a one- to two-inch-long pea pod that has five to six little peas in them, and the pheasants seem to
19 enjoy that one quite a bit. He said that if they don't do a constant maintenance regeneration of the grass,
20 then they will start seeing a decline of pheasants at about the fifth or sixth year.

21
22 Mr. Wood asked if the remaining 45 acres was in agriculture production currently.

23
24 Mr. Scudder said that there is no actual crop being produced currently, it is all CRP.

25
26 Mr. Wood said the whole thing is in CRP.

27
28 Mr. Scudder said that everything is in CRP except for about 12 acres and he just left that in grass. He said
29 that he was using it as a dog training facility for himself and other peoples' hunting dogs. He said that
30 instead of paying someone else to rent and use their property, he just went ahead and decided to leave his
31 property in the CRP program.

32
33 Mr. Wood said that he thinks that is a form of agricultural production.

34
35 Mr. Scudder said yes, that it is considered agriculture production ground.

36
37 Mr. Elwell asked if there were any other questions from the Board or Staff. He asked if Mr. Jesse Pedigo
38 would like to say anything. Seeing that he didn't, he asked if anyone else would like to testify in this case.
39 Seeing no one, he closed the Witness Register. He asked the Board how they would like to proceed.

40
41 **Mr. Wood moved, seconded by Mr. Roberts, to accept the Preliminary Draft, Documents of Record,**
42 **and move to the Findings of Fact for Case 016-V-21.**

43
44 Mr. Elwell requested a roll call vote.

45
46 The vote was called as follows:

47	Lee- absent	Randol- absent	Roberts- yes
48	Anderson- yes	Elwell- yes	Wood - yes

49

1 **The motion carried.**
2

3 Mr. Elwell said that he would be reading the Findings of Fact for Case 016-V-21 from Attachment H,
4 page 9 of 11, in the Preliminary Draft, as follows:
5

6 **FINDING OF FACTS FOR CASE 016-V-21**

7 From the documents of record and the testimony and exhibits received at the public hearing for zoning
8 case **016-V-21** held on **August 12, 2021**, the Zoning Board of Appeals of Champaign County finds that:
9

10 **1. Special conditions and circumstances {DO / DO NOT} exist which are peculiar to the land**
11 **or structure involved, which are not applicable to other similarly situated land and**
12 **structures elsewhere in the same district because:**
13

14 Mr. Wood said the special conditions and circumstances DO exist which are peculiar to the land or
15 structure involved, which are not applicable to other similarly situated land and structures elsewhere in
16 the same district because: the house is located approximately one-quarter mile off the highway on the
17 property itself, which really doesn't give them much of a choice in terms of how to split it off and how
18 that is done. He thinks that is the only key issue for him.
19

20 **2. Practical difficulties or hardships created by carrying out the strict letter of the regulations**
21 **sought to be varied {WILL / WILL NOT} prevent reasonable or otherwise permitted use of**
22 **the land or structure or construction because:**
23

24 Mr. Wood said the practical difficulties or hardships created by carrying out the strict letter of the
25 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or
26 structure or construction because: the existing access lane and east property line were both established
27 years ago, and they are not going to make him move the house or the buildings that are closer to the road.
28

29 **3. The special conditions, circumstances, hardships, or practical difficulties {DO / DO NOT}**
30 **result from actions of the applicant because:**
31

32 Mr. Wood said the special conditions, circumstances, hardships, or practical difficulties DO NOT result
33 from actions of the applicant because: the set up was established long ago, and no on the ground changes
34 are actually proposed for the use of any of the property there.
35

36 **4. The requested variance {IS / IS NOT} in harmony with the general purpose and intent of**
37 **the Ordinance because:**
38

39 Mr. Wood said the requested variance, SUBJECT TO THE PROPOSED CONDITION, IS in harmony
40 with the general purpose and intent of the Ordinance because: no on the ground changes are proposed and
41 the Pedigos, who are agreeing to purchase this property, are required to keep the Pheasants Forever area
42 as a habitat area.
43

44 **5. The requested variance {WILL / WILL NOT} be injurious to the neighborhood or otherwise**
45 **detrimental to the public health, safety, or welfare because:**
46

47 Mr. Wood said the requested variance WILL NOT be injurious to the neighborhood or otherwise
48 detrimental to the public health, safety, or welfare because: relevant jurisdictions have been notified and
49 no comments have been received.

1 **6. The requested variance *{IS / IS NOT}* the minimum variation that will make possible the**
2 **reasonable use of the land/structure because:**

3
4 Mr. Wood said the requested variance IS the minimum variation that will make possible the reasonable
5 use of the land/structure.

6
7 **7. NO SPECIAL CONDITIONS ARE HEREBY IMPOSED.**

8
9 Mr. Elwell informed Mr. Scudder that this evening they do not have a full Board. He said that the Board
10 just went through the Findings of Fact and all were answered by them in the affirmative. He said that just
11 like the previous case tonight, Mr. Scudder has an opportunity to postpone his case until there is a full
12 Board present, or for expedience they can go ahead and vote on this today.

13
14 Mr. Scudder said that he has faith in the Board that is already present tonight and they will just go with
15 what they have found tonight.

16
17 Mr. Elwell asked if he could have a motion to adopt the Summary of Evidence, Documents of Record,
18 and the Findings of Fact for Case 016-V-21, as amended.

19
20 **Mr. Roberts moved, seconded by Mr. Anderson, to adopt the Summary of Evidence, Documents of**
21 **Record, and the Findings of Fact for Case 016-V-21, as amended.**

22
23 Mr. Elwell requested a roll call vote.

24
25 The vote was called as follows:

26	Lee- absent	Randol- absent	Roberts- yes
27	Anderson- yes	Elwell- yes	Wood - yes

28
29 Mr. Elwell asked if there was a motion to move to the Final Determination for Case 016-V-21.

30
31 **Mr. Roberts moved, seconded by Mr. Wood, to move to the Final Determination for Case 016-V-**
32 **21. The motion carried by voice vote.**

33
34 **FINAL DETERMINATION FOR CASE 016-V-21**

35 **Mr. Wood moved, seconded by Mr. Roberts, that the Champaign County Zoning Board of Appeals**
36 **finds that, based upon the application, testimony, and other evidence received in this case, that the**
37 **requirements for approval in Section 9.1.9.C HAVE been met, and pursuant to the authority**
38 **granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of**
39 **Appeals of Champaign County determines that:**

40
41 **The Variance requested in Case 016-V-21 is hereby GRANTED to the petitioners, Ronald**
42 **Scudder and Jesse Pedigo, to authorize the following:**

43
44 **Authorize a variance for a 5.834-acre lot in lieu of the maximum allowed 3 acres in area for**
45 **a lot with soils that are best prime farmland in the AG-1 Agriculture Zoning District, per**
46 **Section 5.3 of the Champaign County Zoning Ordinance.**

47
48 Mr. Elwell requested a roll call vote.

49

1 The vote was called as follows:

2	Lee- absent	Randol- absent	Roberts- yes
3	Anderson- yes	Elwell- yes	Wood - yes

4
5 Mr. Elwell congratulated Mr. Scudder on receiving his four affirmative votes and told him that Ms.
6 Burgstrom would be reaching out to him.

7
8 **Case 018-V-21**

9 Petitioners: **Robert Bales**

10 Request: **Authorize a variance in the AG-2 Agriculture Zoning District for an existing detached**
11 **shed on a corner lot with a front yard of 7 feet and a setback of 43 feet from the street**
12 **centerline of Surrey Ct, in lieu of the minimum required 25 feet and 55 feet, per Section**
13 **5.3 of the Champaign County Zoning Ordinance.**

14 Location: **Lot 9 of Trailside First Subdivision in Section 13, Township 20 North, Range 7 East of the Third**
15 **Principal Meridian in Mahomet Township, with an address of 2302 North Trailside Drive,**
16 **Mahomet.**

17
18 Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign
19 the witness register for that public hearing. He reminded the audience that when they sign the witness
20 register, they are signing an oath.

21
22 Mr. Elwell informed the audience that this Case is an Administrative Case, and as such, the County allows
23 anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask for a
24 show of hands or a verbal indication from those who would like to cross-examine, and each person will
25 be called upon. He said that those who desire to cross-examine will be asked to clearly state their name
26 before asking any questions. He noted that no new testimony is to be given during the cross-examination.
27 He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are exempt from cross-
28 examination. He asked if the petitioner would like to outline the nature of their request prior to introducing
29 evidence.

30
31 Mr. Robert Bales stated that he lives at 2302 Trailside Drive in Mahomet, Illinois. He said that he is
32 unfamiliar with what goes on at these meetings but is he to assume the Board has read the variance
33 application.

34
35 Mr. Elwell said yes sir.

36
37 Mr. Bales said that years ago, he built a shed out back, unaware of any building setback lines at the time.
38 He said that he went to get a permit from the County to build a work shed out back, and was made aware
39 that even though this structure was on his property, it was in the setback area. He said that he guesses this
40 is what the variance is all about and he is asking that the shed remains, and it has been there for over 30
41 years. He said that he has no problems if it ever needs to be taken out and he has no problems doing that,
42 but he is going to be redundant, because it is a dead-end road that is of no use other than him and the
43 neighbors parking, and he doesn't see any harm with the shed being there. He said that it would be kind
44 of a hardship for him in that he keeps a lot of stuff in the shed. He said that it was requested that the shed
45 either be moved or torn down, so he thought no problem, they can move it, because he knows of a couple
46 of guys who have a construction business with heavy equipment, and he has called them for years, and
47 these guys know what they are doing. He said that they told him no problem, they will just strap it and
48 pull it over, so in his permit application he drew a diagram showing that he would pull it across the yard
49 to the other section. He said that after the guy came over and looked at the shed, and he had talked to two

1 different people, one was a concrete contractor, and he had a skid steer and had told him that he could do
2 that too. He said that both of them had told him that with the shingles that were on the shed and it being
3 30 years old, if they tried to pull it across the yard, they couldn't guarantee the shed would make it. He
4 said that is why he is asking for the variance to keep the shed where it is located. He said that is pretty
5 much it and he isn't sure if he is leaving anything out.

6
7 Mr. Elwell asked if there were any other questions from the Board.

8
9 Mr. Wood asked if the shed was sitting on a concrete foundation currently.

10
11 Mr. Bales said no.

12
13 Mr. Wood said just on pretreated lumber.

14
15 Mr. Bales said that the Board may know that years ago, and he thinks that they may still, Menards sold a
16 fold out frame that was a two-foot by four-foot frame and they fold it out and stack them, and they put
17 plywood on and that is what it was, but he just has it setting on railroad ties.

18
19 Mr. Wood said that is probably not going to hold together very well if they try to move the shed.

20
21 Mr. Bales said that is what they told him.

22
23 Mr. Elwell asked Ms. Burgstrom if she would be willing to give the Board a little insight on the
24 communication with Ms. Abby Heckman from the Village of Mahomet.

25
26 Ms. Burgstrom said that Staff reached out to the Village of Mahomet to see if they had any plans in the
27 future to extend Surrey Court to the north, which is currently farmland to the north of Mr. Bales's lot, and
28 to see if the shed would impact any future development plans. She said that today she spoke with Ms.
29 Abby Heckman from the Village of Mahomet by phone, and it is their understanding that Surrey Court
30 could be extended north at some point in the future. She said that the Village of Mahomet would like to
31 see a Special Condition added and referred the Board to the email she put on their desks for tonight's
32 meeting from Ms. Heckman. She said that Staff offered a special condition to the Village of Mahomet,
33 that the existing shed can remain in its current location, but any replacement of the shed would have to
34 conform to the yard requirements that the Zoning Ordinance establishes; in other words, Mr. Bales would
35 not be able to put a new shed in the same place as the existing shed. She said that Ms. Heckman replied
36 to the email, as the Board can see before them, that there is a bulleted item where they suggest a revised
37 special condition that states, "The existing shed can remain in its current location only to the extent of its
38 useful life as currently constructed and no repairs to the envelope or structural reinforcement work is
39 permitted. At such time as when the shed requires either, the variance terminates, and the shed must be
40 demolished or moved to a location compliant with the Zoning Ordinance and the area under it returned to
41 grass cover."

42
43 Ms. Burgstrom said that the Village of Mahomet basically doesn't want to see a replacement shed in that
44 current location either, but the shed is not in the right-of-way, and if they were to extend the road then
45 they shouldn't need to add any road right-of-way width to the area, so the shed should be out of their way
46 for any road extension. She said that P&Z Staff is leaving their proposed special condition and Mahomet's
47 proposed special condition up to the Board to consider, whether they even want a special condition or if
48 they would like to formulate their own special condition, that is up to the Board tonight.

49

1 Mr. Elwell asked if there were any comments from the Board about the email from the Village of Mahomet
2 in regard to the special conditions from Staff and Mahomet.
3

4 Ms. Burgstrom said that up on the projector screen the Board can see that first listed is the proposed special
5 condition by Staff, and the second listed below in the bold area is from Mahomet with the explanation just
6 below it from Mahomet, which is also in that email in front of them.
7

8 Mr. Wood asked if Mr. Bales decided to replace the shingles on the shed and take the two off, that would
9 not be allowed under Mahomet's proposed special condition.
10

11 Ms. Burgstrom said yes, that is what she is reading. She said that Mahomet's proposed special condition
12 does go beyond what any special condition that they have ever formulated about this kind of thing, for
13 what that is worth.
14

15 Mr. Wood said that he didn't catch everything that Ms. Burgstrom had said.
16

17 Ms. Burgstrom said that Mahomet's proposed special condition is a lot more in depth than any special
18 condition that P&Z Staff has ever written for a shed, but the Board can take whatever pieces of the
19 proposed special condition, or all of it that they want.
20

21 Mr. Elwell asked if she had insight about useful life as constructed.
22

23 Ms. Burgstrom said that Mr. Hall does.
24

25 Mr. Wood asked if the shed was already 30 years old.
26

27 Mr. Bales said yes.
28

29 Ms. Burgstrom said that Mr. Hall has something he would like to talk about.
30

31 Mr. Wood said that the shed is probably beyond its useful life now.
32

33 Mr. Bales said that the shed is getting there.
34

35 Mr. Hall said that he thinks what that proposed Special Condition is getting at, and even in the one that
36 they recommended now, they are talking about how the shed can't be replaced. He said that leaves some
37 gray areas there, and when does repair become replacement, and he thinks that Mahomet raises a good
38 point, but they normally don't get that detailed. He said that elsewhere in the Ordinance, replacement of
39 more than 50 percent of the replacement value at any one time is sometimes prohibited, and to him the
40 one from Mahomet is unfair when it says no repair, and he wouldn't recommend that one. He said he
41 could see the Board adding something like, "repair provided it is less than 50 percent of the replacement
42 value at any one time." He said that lets Mr. Bales replace the shingles and replace any framing that needs
43 to be replaced, but Mr. Bales is not going to go out there and rebuild the whole shed, because rebuilding
44 is replacement. He said that is generally what they don't allow in a situation like this, so he thinks Mahomet
45 goes a bit too far, but the simple special condition that P&Z Staff normally uses doesn't draw this line
46 between repair and replacement.
47

48 Mr. Bales said that he was hoping that he would be able to still paint it and he doesn't want it to become
49 an eyesore.

1 Mr. Hall said exactly.

2

3 Mr. Bales said okay.

4

5 Mr. Anderson told Mr. Hall that he liked what he had proposed.

6

7 Mr. Hall said okay.

8

9 Mr. Elwell said that he kind of thinks that everyone is on the same page here. He said that Mr. Bales had
10 said he would move it, but he personally doesn't want Mr. Bales to try to move it and then by moving the
11 shed Mr. Bales loses his asset because it crumbles due to the movement itself. He said that he does feel
12 that it is not his position to say that Mr. Bales cannot do any repairs, or no work is permitted on the shed,
13 because he thinks that goes way too far. He said that he does agree with what Mr. Hall had proposed in
14 his comments, and he would like to see that agreed upon by all parties.

15

16 Mr. Anderson said that the way the shed sits now, when someone turns onto Surrey Court, they would
17 have to hunt for the shed, because it is not close to the road and the next stop is the cornfield. He said that
18 goodness knows when Mahomet will expand that road and make a full Surrey Court of it, so he favors
19 what Mr. Hall said about the repairs of the shed being half the value of the shed.

20

21 Mr. Hall said that he can read off some changes he has made here, Ms. Burgstrom can type it on the
22 projector screen, and the Board can consider it if they are ready for that. He said that if Ms. Burgstrom
23 starts after the second instance of the word shed in the proposed special condition from Staff and adds,
24 "replacement of the shed or repair of more than 50 percent replacement value in any 365-day period means
25 the shed must be made to conform to the yard requirements in the Zoning Ordinance." He said that this is
26 the best he could come up with here on the fly and it is not perfect wording, but he thinks it is pretty clear.

27

28 Mr. Wood said that basically means the shed would need to be relocated and rebuilt.

29

30 Mr. Hall said yes.

31

32 Mr. Wood said that works for him.

33

34 Mr. Elwell asked the Board how they feel. He said that he feels that the Board members are all in
35 agreement. He asked Mr. Bales how he felt about the proposed special condition wording.

36

37 Mr. Bales said that they are being very reasonable.

38

39 Mr. Elwell asked him if he had any questions for the Board.

40

41 Mr. Bales said no.

42

43 Mr. Wood asked who owned the farm ground north of Mr. Bales's property.

44

45 Mr. Bales said that it is Parkhill Enterprises LLC.

46

47 Mr. Wood asked him if there was a good chance he would ever sell that ground.

48

49 Mr. Bales said he hadn't talked to Mr. Parkhill, but he had talked to his son.

1 Mr. Elwell asked the Board how they would like to proceed.
2

3 **Mr. Wood moved, seconded by Mr. Roberts, to accept the Preliminary Draft, the amended Special**
4 **Conditions, Documents of Record including Village of Mahomet's email, and move to the Findings**
5 **of Fact for Case 018-V-21. The motion carried by voice vote.**
6

7 Mr. Elwell said that he would be reading the Findings of Fact for Case 018-V-21 from Attachment F, page
8 10 of 11, in the Preliminary Draft, as follows:
9

10 **FINDINGS OF FACT FOR CASE 018-V-21**

11 From the documents of record and the testimony and exhibits received at the public hearing for zoning case
12 **018-V-21** held on **August 12, 2021**, the Zoning Board of Appeals of Champaign County finds that:
13

14 **1. Special conditions and circumstances {DO / DO NOT} exist which are peculiar to the land**
15 **or structure involved, which are not applicable to other similarly situated land and**
16 **structures elsewhere in the same district because:**
17

18 Mr. Wood said the special conditions and circumstances DO exist which are peculiar to the land or
19 structure involved, which are not applicable to other similarly situated land and structures elsewhere in
20 the same district because: the current property with that particular shed has been in existence for the past
21 30 years on a dead end road, and there has really been no problem having the shed in that particular place
22 and assuming that if there are any changes on that particular road extending further north, that they have
23 a special condition that will manage that.
24

25 **2. Practical difficulties or hardships created by carrying out the strict letter of the regulations**
26 **sought to be varied {WILL / WILL NOT} prevent reasonable or otherwise permitted use of**
27 **the land or structure or construction because:**
28

29 Mr. Wood said the practical difficulties or hardships created by carrying out the strict letter of the
30 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or
31 structure or construction because: the structure as it sits is already 30 years old, and trying to move the
32 shed would not be reasonable and would probably result in having to completely replace the structure at
33 a considerable cost.
34

35 **3. The special conditions, circumstances, hardships, or practical difficulties {DO / DO NOT}**
36 **result from actions of the applicant because:**
37

38 Mr. Wood said the special conditions, circumstances, hardships, or practical difficulties DO NOT result
39 from actions of the applicant because: the petitioner was only aware of the property lines and easements
40 on the north and south of the property, but not of the building setback lines.
41

42 **4. The requested variance, SUBJECT TO THE PROPOSED CONDITION, {IS / IS NOT} in**
43 **harmony with the general purpose and intent of the Ordinance because:**
44

45 Mr. Wood said the requested variance, SUBJECT TO THE PROPOSED CONDITION, IS in harmony
46 with the general purpose and intent of the Ordinance because: the shed is adjacent to the road right-of-
47 way of a street that dead ends at the north end and is unlikely to be extended in the near future.
48

1 **5. The requested variance, SUBJECT TO THE PROPOSED CONDITION, {WILL / WILL**
2 **NOT} be injurious to the neighborhood or otherwise detrimental to the public health,**
3 **safety, or welfare because:**
4

5 Mr. Wood said the requested variance, SUBJECT TO THE PROPOSED CONDITION, WILL NOT be
6 injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because: the
7 letter from Mr. Chris Doenitz, Mahomet Township Road Commissioner, stated that the Mahomet
8 Township Road District does not have any issues with the shed.
9

10 **6. The requested variance, SUBJECT TO THE PROPOSED CONDITION, {IS / IS NOT} the**
11 **minimum variation that will make possible the reasonable use of the land/structure**
12 **because:**
13

14 Mr. Wood said the requested variance, SUBJECT TO THE PROPOSED CONDITION, IS the minimum
15 variation that will make possible the reasonable use of the land/structure.
16

17 **7. THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED FOR THE**
18 **PARTICULAR PURPOSES DESCRIBED BELOW:**
19

20 **A. The existing shed can remain in its current location, but replacement of the shed or**
21 **repair of more than 50% replacement value in any 365 day period means the shed**
22 **must be made to conform to the yard requirements in the Zoning Ordinance.**
23

24 The special condition stated above is required to ensure the following:
25 **That replacement of the existing shed conforms to the Zoning Ordinance.**
26

27 Mr. Elwell asked if there was a motion to adopt the Summary of Evidence, Documents of Record, and
28 the Findings of Fact for Case 018-V-21, as amended.
29

30 Mr. Wood asked if they needed to get an agreement on the Special Condition.
31

32 Ms. Burgstrom said that they already agreed to it.
33

34 Mr. Elwell said that he thought they already did.
35

36 Mr. Wood said okay.
37

38 **Mr. Roberts moved, seconded by Mr. Wood, to adopt the Summary of Evidence, Documents of**
39 **Record, and the Findings of Fact for Case 018-V-21, as amended.**
40

41 Mr. Elwell requested a roll call vote.
42

43 The vote was called as follows:

44 **Lee- absent Randol- absent Roberts- yes**
45 **Anderson- yes Elwell- yes Wood – yes**
46

47 Mr. Elwell informed Mr. Bales that just like the two previous cases tonight, they do not have a full Board.
48 He said that the Board just went through the Findings of Fact and all were answered by them in the
49 affirmative. He said that if he would like the Board to postpone this case to a later date when they do have

1 a full Board, that is all in his right, or if he would like to get this behind him and for them to continue with
2 this today, that is also an option that he has.

3
4 Mr. Bales said that is fine if the Board goes ahead with his case, unless they want to postpone it for 30
5 years.

6
7 Mr. Elwell said that it is a pretty useful life of a shed. He asked him if he would like them to proceed then.

8
9 Mr. Bales said yes.

10
11 Mr. Elwell asked if there was a motion to move to the Final Determination for Case 018-V-21.

12
13 **Mr. Roberts moved, seconded by Mr. Wood, to move to the Final Determination for Case 018-V-
14 21. The motion carried by voice vote.**

15
16 Mr. Elwell said that he would be reading the Final Determination for Case 018-V-21 from Attachment F,
17 page 11 of 11, in the Preliminary Draft, as follows:

18
19 **FINAL DETERMINATION FOR CASE 018-V-21**

20 **Mr. Wood moved, seconded by Mr. Roberts, that the Champaign County Zoning Board of Appeals
21 finds that, based upon the application, testimony, and other evidence received in this case, that the
22 requirements for approval in Section 9.1.9.C HAVE been met, and pursuant to the authority
23 granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of
24 Appeals of Champaign County determines that:**

25
26 **The Variance requested in Case 018-V-21 is hereby GRANTED WITH ONE CONDITION to the
27 petitioner, Robert Bales, to authorize the following variance in the AG-2 Agriculture Zoning
28 District:**

29
30 **Authorize a variance in the AG-2 Agriculture Zoning District for an existing detached shed
31 on a corner lot with a front yard of 7 feet and a setback of 43 feet from the street centerline
32 of Surrey Ct, in lieu of the minimum required 25 feet and 55 feet, per Section 5.3 of the
33 Champaign County Zoning Ordinance.**

34
35 Mr. Elwell requested a roll call vote.

36
37 The vote was called as follows:
38 **Lee- absent Randol- absent Roberts- yes**
39 **Anderson- yes Elwell- yes Wood – yes**

40
41 Mr. Elwell thanked and congratulated Mr. Bales, and that he received four affirmative votes that were
42 needed to approve his case. He said that Ms. Burgstrom would reach out to him.

43
44 Mr. Bales said thank you.

45
46 **7. Staff Report**

47
48 None

49

1 **8. Other Business**

2

3 **A. Review of Docket**

4

5 Mr. Roberts said he might be absent at the August 26 meeting depending on what the weather will be like,
6 because he will be at Lake Shelbyville for a couple of weeks.

7

8 **9. Audience participation with respect to matters other than cases pending before the Board**

9

10 None

11

12 **10. Adjournment**

13

14 Mr. Elwell entertained a motion to adjourn the meeting.

15

16 **Mr. Wood moved, seconded by Mr. Roberts, to adjourn the meeting. The motion carried by voice**
17 **vote.**

18

19 The meeting adjourned at 7:35 p.m.

20

21

22

23 Respectfully submitted,

24

25 Secretary of Zoning Board of Appeals